

SACKS WESTON LLC
1845 WALNUT STREET – SUITE 1600
PHILADELPHIA, PENNSYLVANIA 19103
(215) 925-8200
www.sackslaw.com

February 13, 2023

BY ECF

Hon. Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Pryce v. Progressive, et al.*, No. 1:19-cv-01467

Dear Judge Reyes:

I am co-counsel to Cecelia Pryce (“Pryce”), the class representative in the above-referenced class action. After consultation with Plaintiff’s co-counsel Marschhausen & Fitzpatrick, PC, and defense counsel Eversheds Sutherland (US) LLP, this letter is submitted in response to the Court’s February 6, 2023 Order directing the parties to submit a status report.

In accordance with the Court’s Order of July 21, 2022 (ECF 70), notice was delivered to prospective class members by RG2 Claims Administration LLC, by mail and, when available, by e-mail, beginning December 9, 2022. Attached to this report is RG2’s *Pryce* status report of February 10, 2023. Of the 2252 notices mailed and/or e-mailed, only 22 ultimately were undelivered because of bad addresses. And of the 2252 notices sent, only three individuals opted out of the class. *Caveat*: The approved notice form advised prospective class members that any opt-out should be postmarked by February 10; it is possible that additional opt-outs may be received over the next week.

On August 2, 2022, the United States Court of Appeals for the Second Circuit denied Defendant’s FRCP 23(f) request to appeal the Court’s class certification Order.

Pursuant to the Court’s Report and Recommendation of February 17, 2022 (ECF 53), Plaintiff has retained experts to analyze which class criteria and class exclusions apply to the population of potential class members.

Hon. Ramon E. Reyes, Jr.

February 13, 2023

Page Two

The parties suggest that they file a joint proposed case scheduling order, addressing any further discovery, submission of expert reports, depositions of experts, and motions practice, to the Court within the next thirty days.

Respectfully submitted:

/s/ John K. Weston

John K. Weston

Attorney for the class

cc: All counsel, by ECF